

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-15 were pending prior to the Office Action. Claims 16-22 have been added through this Reply. Therefore, claims 1-22 are pending. Claims 1, 5, 6, 7, 8, 10, and 15 are independent.

**ALLOWABLE SUBJECT MATTER**

Applicant appreciates that the Examiner has indicated claims 7 and 10-15 to be allowable.

**DOUBLE PATENTING REJECTION**

In the Office Action, the Examiner rejected independent claim 1 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 6 of U.S. Patent No. 6,222,985 (Parent) in view of Hamano et al. (U.S. Patent No. 5,604,928) (*See Office Action, item 2*); rejected claim 5 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the parent in view of Ishii et al. (U.S. Patent No. 5,410,225) and in further view of Hamano (*See Office Action, item 3*); rejected independent claim 6 under the judicially created

doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 6 of the parent in view of Ishii and in further view of Hamano (*See Office Action, item 4*); rejected claim 8 under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claims 1, 2, and 56 of the parent (*See Office Action, item 5*); and rejected claim 9 under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claim 4 of the parent (*See Office Action, item 6*).

Applicant does not necessarily agree with the Examiner's assertions made in the Office Action. For example, regarding claim 1, the Examiner alleges that claim 6 of the parent as modified by Hamano is drawn to the same invention as claim 1 of the present application. *See Office Action, item 2, last paragraph.* This is simply not the case. Claim 6 of the parent recites "signal output means for outputting a signal indicating that said GPS unit cannot obtain measurement data, when said detecting means detects that the electricity is supplied to said power input terminal." *Emphasis added.* In other words, claim 6 of the parent is directed toward detecting a circumstance under which the GPS unit is unable to obtain measurement data.

In contrast, claim 1 of the present application recites, in part "a controller stopping elements of the camera from generating noise that interferes with said GPS unit while said GPS unit is obtaining measurement

data to be recorded." In other words, as recited, claim 1 is directed toward preventing a situation where noise that interferes with the operation of the GPS unit is prevented so that the GPS unit is able to obtain the measurement data. Clearly, claim 6 of the parent and claim 1 of the present application are directed to different aspects. In other words, the invention as defined by claim 6 and modified by Hamano is not drawn to the same invention as recited in claim 1 of the present application.

The Examiner also alleges that claim 1 of the present application is obvious over claim 6 as modified by Hamano because claim 1 of the present application is broader than claim 6 of the parent. As demonstrated above, claim 6 of the parent and claim 1 are of different scope. Therefore, contrary to the Examiner's allegation, allowance of claim 1 of the present application would not result in an unjustified time wise extension of the monopoly previously granted for the invention defined by claim 6 of the parent. It is also noted that claim 6 of the parent combined with Hamano cannot be relied upon to teach or suggest specifically that the image pickup and the recorder generate the noise that is prevented by the controller as recited in claim 1. Therefore, claim 6 of the parent in combination with Hamano does not render claim 1 of the present application obvious.

Regardless, to promote the prosecution of the application, a terminal disclaimer is submitted herewith to thereby overcome the obviousness-type double patenting rejection of claim 1.

Claim 5 is similar to claim 1 in that claim 5 is directed toward prevention of noise that can interfere with the GPS unit so that the GPS unit may operate. In claim 5, the specific element being prevented from interfering is the strobe light. Thus, Applicant respectfully disagrees with the Examiner's allegation that claim 6 of the parent in combination with Ishii and Hamano are directed to the same invention. Again however, the terminal disclaimer overcomes the rejection. The terminal disclaimer also overcomes the rejection with respect to claims 6, 8, and 9.

Applicant respectfully requests that the obviousness-type double patenting rejection of claims 1, 5, 6, 8, and 9 be withdrawn.

35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claim 9 has been amended to address the rejection. Applicant respectfully requests that the § 112, second paragraph rejection of claim 9 be withdrawn.

§ 103 REJECTION – KUO, TAKAHASHI, HAMANO

Claims 1-4 and 8 stand rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Kuo (U.S. Patent No. 5,596,494) in view of Takahashi et al. (U.S. Patent No. 5,671,451), and in further view of Hamano. *See Office Action, item 11.* Applicant respectfully traverses.

First, it is noted that Kuo is not analogous to the present invention and not analogous to either Takahashi or Hamano. More specifically, Kuo is directed toward a method and apparatus for acquiring digital maps. Kuo discloses that Figure 1 shows the components of the structure. As illustrated in Figure 1, the structure includes a frame imaging device 31 (i.e., a camera), an attitude sensing unit 32, an instrument computer 33, a GPS antenna 34, a display console 35, an input device 36, and a radio link 37.

All components are physically separate and are connected to the instrument computer 33 presumably via cables. Kuo discloses that these are separate instruments designed to be carried on an airplane so that terrestrial scenes may be accurately mapped. Clearly, Kuo cannot be analogous to the camera as claimed in the claims.

The combination of Kuo, Takahashi, and Hamano suffers from another major flaw. Namely, Kuo teaches away from the feature of the controller stopping elements of the camera while the GPS unit is obtaining measurement

data. In other words, as recited in independent claim 1, those elements, such as the image pick up and the recorder, are prevented from operating while the GPS unit is obtaining data. To put it another way, the image pick up and the recorder are prevented from being operated simultaneously with the GPS unit.

Kuo on the other hand, requires that the frame imaging device 31 and the GPS system 34 be operated simultaneously. As noted above, Kuo is directed toward a method and apparatus to acquire instantaneous terrestrial images and the absolute geophysical coordinate information for terrestrial objects within the captured images simultaneously with a high degree of accuracy. *See Kuo, column 1, lines 7-13.* As shown in Figures 2A, 2B and 3, the instruments are designed to be carried on an airplane. From the airplane, (or airborne vehicle 236), the terrestrial scene is imaged onto a two-dimensional array. *See column 11, lines 21-23.* The positions of the terrestrial objects in the terrestrial scene are calculated with data sensed by the attitude sensing unit 32 and the global positioning unit 34.

According to Kuo, the accuracy of the geophysical coordinate information of terrestrial features are within ten meters or better of the true location. *See column 9, lines 6-14.*

Considering that the instruments are located on an airplane, it is difficult to imagine that the specified accuracy can be achieved if in fact the framing

imaging device (the camera) 31 is not operated simultaneously with both the GPS antenna 34 and the attitude sensing unit 32. Indeed, Kuo explicitly states that the coordinate information for the terrestrial objects are captured simultaneously with the images. Thus, it is clear that Kuo teaches away from the feature of stopping elements of the camera while the GPS unit is obtaining measurement data to be recorded. Thus, any rejection based on a combination of references that includes Kuo cannot stand. As such, independent claim 1 is distinguishable over the combination of Kuo, Takahashi, and Hamano.

Claims 2-4 depend from independent claim 1 directly or indirectly. Therefore, for at least the reasons stated with respect to independent claim 1, claims 2-4 are also distinguishable over the combination of Kuo, Takahashi, and Hamano.

Regarding claim 8, it has been shown above that a combination of Kuo, Takahashi, and Hamano cannot be relied upon to reject the claims. Further, the Examiner asserts that claim 8 includes regeneration means. *See page 16, third full paragraph.* However, contrary to the Examiner's assertion, independent claim 8 does recite regeneration means at all. Also, claim 8 does not recite mode switching means nor the reproducing means. Thus, Applicant is unsure whether claim 8 is actually rejected. Applicant respectfully requests that the Examiner provide clarification.

In view of the above, Applicant respectfully requests that the rejection of claims 1-4 and 8 based on Kuo, Takahashi, and Hamano be withdrawn.

§ 103 REJECTION – KUO, HAMANO, ISHII

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuo in view of Hamano and in further view of Ishii. Applicant respectfully traverses.

Independent claim 5 recites in part "controller stopping said strobe unit from generating noise that interferes with said GPS unit, while said GPS unit is obtaining the measurement data to be recorded." Similarly, independent claim 6 recites, in part "a controller stopping said image display from generating noise that interferes with said GPS unit, while said GPS unit is obtaining the measurement data to be recorded."

As amply demonstrated above, Kuo actually teaches away from these features. Therefore, the rejection based on a combination of references that includes Kuo fails.

Applicant respectfully requests that the rejection of claims 5 and 6 based on Kuo, Hamano, and Ishii be withdrawn.



### NEW CLAIMS

Claims 16-22 have been added through this Reply. All new claims are believed to be distinguishable over the cited references, individually, or in any combination. For example, all new claims depend from independent claims 1, 5, 6, 7, 8, 10, and 15. The independent claims have either been shown to be allowable or have been indicated to be allowable by the Examiner. Therefore, for at least the reasons stated with respect to the independent claims, these new dependent claims are also allowable.

Applicant respectfully requests that the new claims be allowed.

### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection

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with the present application and the required fee of \$120 is being filed concurrently herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,  
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Attachment: Terminal Disclaimer